

## ***Eliminating Barriers to Voter Registration for People with Felony Records***

New York law automatically restores voting rights to people with felony records when they complete parole or their maximum prison sentence. But local election boards throughout the state erected barriers that made voter registration more difficult or impossible for these citizens. The Brennan Center for Justice at NYU School of Law, a member of the Right to Vote Campaign, together with Community Service Society of New York and Legal Action Center, conducted a successful advocacy campaign to eliminate these obstacles to voter registration. As a result of these efforts, the New York State Board of Elections issued a state-wide policy directing local boards to stop their burdensome and discriminatory practices. Below is a description of the strategies used to achieve this important policy change.

### ***Document the Problem***

The Brennan Center, with the help of student interns, conducted a telephone survey of New York's 63 local election boards to determine each county's registration procedure for an eligible voter with a felony record. More than half the counties refused to register individuals with past felony convictions unless they provided various documents that were difficult or downright impossible to obtain. Some even requested documents that don't exist or insisted that people register in person. The methodology used for the survey will be described in detail in the Brennan Center's forthcoming resource guide on the study.

### ***Partner with Other Organizations***

The Brennan Center effectively partnered with two other legal advocacy organizations, Community Service Society (CSS) and Legal Action Center (LAC). In addition to legal expertise and prior involvement in felony disenfranchisement advocacy, each organization brought special assets to the effort. The Brennan Center had a successful history of litigation against the New York State Board of Elections that made the Board more willing to negotiate. CSS has deep experience with voting rights litigation and is one of the legal organizations serving as co-counsel in *Hayden v. Pataki*, the New York case seeking to secure the vote for people in prison and on parole. LAC was able to capitalize on its relationships with criminal justice agencies developed through policy and direct advocacy on behalf of people with criminal records. The three organizations coordinated their efforts with New York's Unlock the Block voter registration campaign led by Jazz Hayden.

### ***Research the Law of Voter Registration***

By researching New York's voter registration laws, advocates gained an understanding of what state law requires for voter registration generally, and whether the law permits local boards to seek additional documents from people with felony records or other eligible voters. Advocates also researched whether local practices violated the federal constitution or statutes. This background was critical in negotiations with the State Board, and in crafting a practical solution that is consistent with state law.

### ***Prepare for the Possibility of Litigation***

Hopefully, as in New York, litigation will be unnecessary to achieve a policy change. But the New York advocates researched potential claims, drafted a complaint, and developed a litigation strategy, both as a back-up plan and to inform their discussions with the State Board.

### ***Contact State Election Officials***

Armed with information about improper practices throughout the state and the law of voter registration, the three organizations wrote to the New York State Board of Elections explaining that these practices illegally denied the vote to eligible citizens and demanding that they stop. The advocates organized a series of meetings with the State Board's attorneys, as well as officials from state criminal justice agencies, to discuss the problem and potential solutions. As a result of these discussions, the State Board issued a memorandum on October 29, 2003 directing local boards to stop asking for documents proving eligibility. The memorandum instructs local boards to register citizens with felony records in the same manner as they would any other eligible voter – by accepting a completed voter registration form with the signed affidavit stating that the person is eligible to vote.

### ***Tap Criminal Justice Agencies as Potential Allies***

Advocates invited criminal justice agencies to participate in the discussions with the State Board. These agencies educated election officials about the realities that made it difficult or impossible for individuals with felony records to provide documents showing their prison release or parole discharge dates, and explained that, if necessary, the same information could be easily obtained on the internet.

### ***Monitor Compliance with New Policy***

Advocates will monitor compliance by local election officials through follow-up letters to local boards, additional surveys, and feedback from New Yorkers with felony records who attempt to register. Litigators stand prepared to file lawsuits if compliance is inadequate.

### ***Educate Voters About Their Rights***

To spread the word about the policy change, advocates issued a press release, emailed updates to voting rights and criminal justice advocates, and developed educational material for voter registration efforts.

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